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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5388 OF 1997

Shri Siddheshwar Shikshan Sanstha
& anr. ... Petitioner

V/s

Shri Doiphode Jijaba Jagannath & ors. ... Respondents

Mr. Dilip Bodake for the petitioner.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 2ND JULY, 2007.

P.C.:

1. This petition challenges the order of the School Tribunal dated 19.8.1998. The School Tribunal had, while allowing the appeal filed by the respondent No.1, held that the termination notice dated 30.4.1993 was illegal, ineffective and void ab initio. That notice was, therefore, quashed and the petitioners were directed to reinstate the 1st respondent in service as an Assistant Teacher. The Tribunal, however, held that the break in service from 1.5.1993 till the date of reinstatement would be considered without pay. The period would be considered for computing payment of pension, gratuity, etc.

2. After the writ petition was admitted, a civil application being No. 9137 of 1998 was filed wherein the following order was passed on 30.1.1999:-

> "Heard.
>
> 2. The learned counsel for management submits that now vacancy of teacher has arisen in the school run by them and that respondent No.1 will be absorbed within one week from today.
>
> 3. The management is accordingly directed to absorb the respondent No.1 as assistant teacher within one week from today.
>
> 4. The arrears of wages cannot be awarded to the respondent No.1 at this stage. The management is directed to pay wages to respondent No.1 after absorbtion every month in time.
>
> 5. Civil application stands disposed of."

3. Accordingly, the petitioners reinstated the 1st respondent on 2.2.1999 and the 1st respondent has been working in that school as an Assistant Teacher. Thus the order impugned in this petition has already been implemented and, therefore, nothing survives in this writ petition.

4. Writ petition stands disposed of accordingly.

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